

BILL ANALYSIS

S.B. 248
By: Ellis
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law does not provide specific guidelines for a motor vehicle overtaking a bicyclist on a street or highway other than to put an inadequately defined "safe passing distance" between the vehicle and the bicyclist. Approximately 40 percent of bicyclists' traffic crash fatalities in Texas occur due to unsafe passing by a motor vehicle. Current law also does not provide for any penalty specific to the unsafe passage of a bike.

As proposed, S.B. 248 requires that an operator of a vehicle passing a bicyclist on a street or highway with two or more marked lanes to vacate the lane the bicyclist is using, or pass at a safe distance if alternate lanes are not available. In order for the distance to be "safe," it must be at least three feet for passenger vehicles and light trucks or six feet for commercial vehicles. S.B. 248 also establishes a violation of this law as a misdemeanor punishable by a fine of \$500 if the violation results in property damage, or a Class B misdemeanor if the violation results in bodily injury, and establishes the breaking of traffic laws by a bicyclist as a defense to prosecution.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 545, Transportation Code, by adding Section 545.0535, as follows:

Sec. 545.0535. **PASSING BICYCLIST ON HIGHWAY OR STREET.** (a) Requires a motor vehicle operator (operator) passing a bicyclist on a street or a highway to either vacate the bicyclist's lane if there are two or more marked lanes, or to pass the bicyclist at a safe distance.

(b) Sets forth the unsafe passing distance as less than six feet for non-light trucks or commercial motor vehicles, or less than three feet for all other vehicles.

(c) Specifies that a violation of this section is punishable by a fine no greater than \$200, or a fine of \$500 if the violation results in property damage, or a charge of Class B misdemeanor if the violation results in bodily injury.

(d) Specifies that noting a bicyclist's violation of law regarding proper operation of a bicycle on a street or a highway, or noting a bicyclist's lack of rear lighting or reflectors on the bike while riding at nighttime or if the bicyclist was operating on a road without a paved shoulder is defense to prosecution under in this section.

(e) Specifies that a person who is found to be violating both this section and another section within the Transportation Code or the Penal Code can be prosecuted under either or both of those sections.

SECTION 2. Amends Section 551.104, Transportation Code, as follows:

(a)(2) Specifies that a person operating a bicycle at night is authorizes to have a lamp on the rear of the bicycle that emits a red light visible from a distance of 500 feet to the rear of the bicycle. Removes text that specified that the bicycle be

equipped with a red reflector that is approved by the department and visible when directly in front of lawful upper beams of a motor vehicle when the bicycle is utilized at night.

SECTION 3. This Act takes effect This Act takes effect September 1, 2007.

EFFECTIVE DATE

September 1, 2007.